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NEWS

Lansing police chief questions list that names him and 14 local officers as untrustworthy

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Lansing State Journal

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LANSING — Lansing Police Chief Daryl Green is on a list of law enforcement officers deemed to be untrustworthy.

Green is one of 15 names on Ingham County's Brady list, which identifies police officers who have committed crimes, lied on the job or whose honesty has been questioned in the past.

Green said in an email he was put on the list for an incident that occurred more than 20 years ago, when he did not file a use-of-force report after helping medical personnel hold someone to a gurney.

The patient complained to Internal Affairs, Green said. An investigation found no excessive force was used, but Green said his supervisor said Green's previous statement about the incident had not been truthful.

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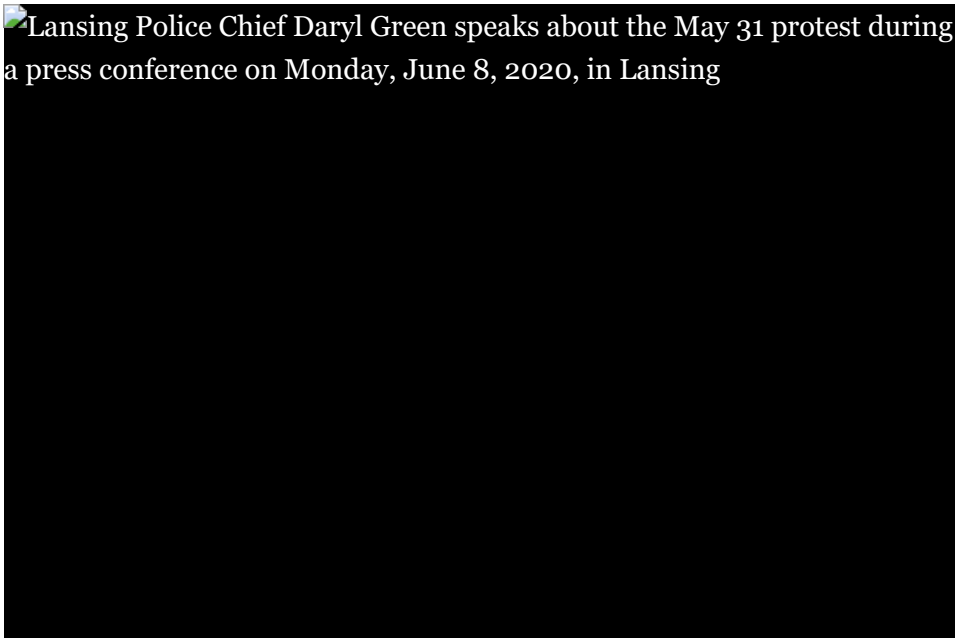
"In reality, it was a disagreement on the definition of use of force when I held him on the gurney," Green wrote in an email. "The finding was related to me not filling out a use of force form."

Of the 15 officers on the list, five remain employed in the county. Green is the only one in a supervisory position.



Lansing Police Chief Daryl Green speaks about the May 31 protest during a press conference on Monday, June 8, 2020, in Lansing *Nick King/Lansing State Journal*

In two landmark U.S. Supreme Court rulings — Brady v. Maryland in 1963 and Giglio v. United States in 1972— the court maintained prosecutors have a duty to disclose evidence favorable to the defendant, including information that would negatively impact the credibility of the prosecution's witnesses.

The rulings require prosecutors to alert defense attorneys if the credibility of any witnesses — including police officers — has been questioned in the past. That's where the Brady list comes in.

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USA Today investigation: Hundreds of police officers have been labeled liars. Some still help send people to prison.

Names of officers are submitted by police chiefs, and the names are compiled by the prosecutor's office, Ingham County Prosecutor Carol Siemon wrote in an email. Only police end up on the Brady list, but prosecutors have to notify defense attorneys of any witnesses with credibility issues.

Green said he was added to the list at a time when he and other minority officers were expressing concerns about racism within the Lansing Police Department.

"This illegitimate report to the prosecutor may be related to the racial issues at the time," Green wrote in an email. "Having had an opportunity to reflect on this finding and an additional 20 years of police experience, I have serious concerns about the fundamental fairness and constitutionality of (Siemon's) Brady List."

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Green provided the State Journal with a list of concerns about "flaws, errors and omissions" he presented to Siemon last week. Instead of addressing the concerns, Green said, Siemon released a "non-credible, outdated and unvetted" list.

Officers should be given a chance to respond to the addition of their name, Green said. That has not happened in Ingham County, he said.

"The failure to conduct the proper due diligence to verify the credibility of the entire Brady list is an injustice," Green said.

Siemon said she believes the list was compiled in good faith but doesn't know how chiefs determined who to add to the list.

"I am deeply concerned about ... all fairness for everyone involved in the criminal system, including, of course, police officers," Siemon wrote in an email. "I absolutely believe that the underlying need for a Brady list is clear, but that it will be an important task for police and prosecutors everywhere to have those discussions at a deeper level than has occurred most places, including here."

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A memo received through a public records request from the Ingham County Prosecutor's Office said the 15 officers on the list have engaged in "various types of conduct from falsifying a sick leave request to avoid training to the more egregious act of intentionally including false information in a police report."

The list dates back to 2000, and additions have been made within the past year, according to the memo. No officer appears more than once.

Siemon, who took office in 2017, said officers were "apparently not" notified when their names were added to the list. She said her office would start working on how to provide due process for officers on the list to

ensure it is fair.

It is not clear if officers are ever taken off the list once their names are added. Siemon said it was an "excellent question" that has been discussed with police chiefs and other prosecutors and that she is doing additional research on it.

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There is no legal requirement as to what lands an officer on the Brady list, the USA Today Network found during an investigation on dishonest police officers.

Lansing Mayor Andy Schor said in a statement Green was petitioning Siemon to be removed from the list, something he and the city support.

“Lansing Police Chief Daryl Green is one of the most honorable and trustworthy people that I know, and has done a great job navigating very tough times as Police Chief," Schor said in the statement. "His inclusion on this list is outrageous and inconsistent with the principles upon which Brady was decided."

Ingham County's Brady disclosure policy as of November 2018, requires the prosecutor's office to send a Brady notice and any necessary documentation related to the witness' trustworthiness to the defense attorney after the case is issued.

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The Michigan Prosecuting Attorneys Association's best practices guide for complying with these rulings does not specify if the list has to be regularly updated, or what actions would land someone on the list.

Eaton County has one officer on its Brady list. Shane Bartlett was Potterville's police chief when he was charged with misconduct in office, lying to police and false report of a felony in connection with a criminal investigation involving his wife.

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Bartlett is no longer Potterville's police chief. His case is still pending.

Eaton County's policy for disclosing officers on the Brady list gives examples of what would make a witness unreliable. It includes:

- Criminal convictions for felonies, theft or dishonesty
- Anecdotal information known to the prosecutor's office related to dishonesty which did not arise to a conviction, like an officer not telling the truth in a search warrant affidavit or lying under oath
- Inconsistent statements
- Benefits the witness may receive that would impact their testimony, like immunity in another case, a plea offer or money
- Correspondence to other law enforcement officials about the extent of a witness' assistance or recommendations on the witness' behalf
- Information about the relationship between the victim and any witnesses in the case
- Known substance abuse or mental health issues that would affect perception or recollection

That list of examples applies to police and any other witness who may testify.

Clinton County Prosecutor Chuck Sherman said, because his office is small, he does not have a written Brady list or a written policy on it.

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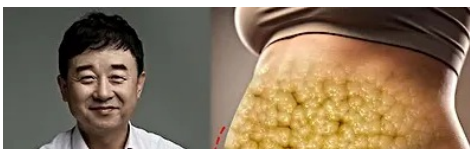

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